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TIFFANY & BOSCO CAMELBACK ESPLANADE II, THIRD FLOOR 2525 EAST CAMELBACK ROAD PHOENIX, AZ 85016			EXAMINER SALLARD, SHANNON S	
			ART UNIT 3628	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lm@tblaw.com

Office Action Summary

Application No.

10/087,193

Applicant(s)

SHOEN ET AL.

Examiner

SHANNON S. SALIARD

Art Unit

3628

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 6-25 and 30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 6-25, and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 22 October 2009 has been entered.

Response to Arguments

2. Applicant's arguments/remarks filed 22 October 2009 have been fully considered but they are not persuasive.

3. Applicant argues that Hafen does not disclose certain elements of claim 1. Specifically the Applicant argues, "the alleged "business network of a plurality of self-storage facilities" in Hafen is merely a computer network (WAN 102 or Internet 104), but not a "business network". The term "network of storage facilities" and "computer network" are distinguished in the subject patent application. See paragraphs [0008], [0107], and [0108] of the subject application. Hafen only has a computer network and thus fails to disclose a business network." First, the Examiner notes that there is no specific definition of a "business network" within the specification. It has been well settled that during patent examination, the pending claims must be "given their broadest reasonable interpretation consistent with the specification", see *MPEP 2111*. Thus, the

Examiner has given the term "business network" the broadest reasonable interpretation as an interconnected system of businesses. Furthermore, paragraphs [0008], [0107], and [0108], merely state that there is a network of storage facilities (i.e, a interconnected system of businesses). Accordingly, Figure 1 of Hafen clearly shows an interconnected system of storage facilities. Thus, Hafen discloses a business network of a plurality of self-storage facilities.

4. Applicant further argues, "Second, if the Examiner further searches and finds one or more references using a business network, secondary considerations are highly relevant to why the claimed invention would not be obvious over such references. See M.P.E.P. § 2141 (Section III). There is a long-felt need of competing businesses to have access to their competitors' business operations (such as their business network of customers, customer information, pricing, policies, etc.). However, competitors are unwilling to share their business operations, which is the basis of their success. In this way, it is also contrary to accepted wisdom to allow competitors to have access to your business network, and indeed, businesses guard their business network from competitors" (Applicant's Remarks/Arguments, pg.12). However the Examiner asserts, "Establishing long-felt need requires objective evidence that an art recognized problem existed in the art for a long period of time without solution. The relevance of long-felt need and the failure of others to the issue of obviousness depends on several factors. First, the need must have been a persistent one that was recognized by those of ordinary skill in the art. *In re Gershon*, 372 F.2d 535, 539, 152 USPQ 602, 605 (CCPA 1967) ("Since the alleged problem in this case was first recognized by appellants, and

others apparently have not yet become aware of its existence, it goes without saying that there could not possibly be any evidence of either a long felt need in the . . . art for a solution to a problem of dubious existence or failure of others skilled in the art who unsuccessfully attempted to solve a problem of which they were not aware.");

Orthopedic Equipment Co., Inc. v. All Orthopedic Appliances, Inc., 707 F.2d 1376, 217 USPQ 1281 (Fed. Cir. 1983) (Although the claimed invention achieved the desirable result of reducing inventories, there was no evidence of any prior unsuccessful attempts to do so.). In this case, there has been no objective evidence provided by the Applicant that a long felt need existed at the time of the invention.

5. In response to the Applicant's arguments of commercial success (Applicant's Arguments/Remarks, pg. 13), it has been well established that the applicant bears the burden of proof of establishing a nexus between the claimed invention and evidence of commercial success. The Federal Circuit has acknowledged that applicant bears the burden of establishing nexus, stating: In the *ex parte* process of examining a patent application, however, the PTO lacks the means or resources to gather evidence which supports or refutes the applicant's assertion that the sale constitute commercial success. *C.f. Ex parte Remark*, 15 USPQ2d 1498, 1503 (Bd. Pat. App. & Int. 1990)(evidentiary routine of shifting burdens in civil proceedings inappropriate in *ex parte* prosecution proceedings because examiner has no available means for adducing evidence). Consequently, the PTO must rely upon the applicant to provide hard evidence of commercial success. *In re Huang*, 100 F.3d 135, 139-40, 40 USPQ2d 1685, 1689 (Fed. Cir. 1996). See also *In re GPAC*, 57 F.3d 1573, 1580, 35 USPQ2d 1116,

1121 (Fed. Cir. 1995); *In re Paulsen*, 30 F.3d 1475, 1482, 31 USPQ2d 1671, 1676 (Fed. Cir. 1994) (Evidence of commercial success of articles not covered by the claims subject to the 35 U.S.C. 103 rejection was not probative of nonobviousness), *see MPEP 716.03 (I)*. In this case, the Applicant has not provided any evidence of commercial success.

6. Applicant also argues, "Third, Hafen fails to disclose a "user" and a "customer" as recited in the claims. The "user" in Hafen is the customer of a rental facility. However, in the subject claims, the "user" is personnel of each self-storage facility and not a customer of the self-storage facility. The "customers of the plurality of self-storage facilities of the business network" are distinguishable from the "user/personnel of each self-storage facility", which Hafen fails to account for and thus fails to distinguish. Rather, Hafen only discloses the alleged "customers of the plurality of self-storage facilities of the business network" (allegedly the user or customer of the rental facilities 106). There is no distinction made in Hafen between "user/personnel of each self-storage facility" and "customers of the plurality of self-storage facilities of the business network" as recited in the claims. However, the Examiner disagrees. Hafen discloses, "Certain rental facility transactions 404 may be conducted without further input from the manager 402. Some requests 406 may include information from a manager 402 which is needed to complete the requested rental facility transaction 404. For example, a manager 402a may request 406 creation of a new rental account. Therefore, the request 406 may include the personal information (name, address, etc.) of a new customer." [0078]. In the above paragraph, it is clear that there is a distinction between

the user (i.e., manager) and a customer. The manager (i.e., the user) inputs the customer information, as required in claim 1. Thus, the user in Hafen is personnel of each self-storage facility and not a customer of the self-storage facility. Furthermore, in the claim, the customer has no functionality. The only requirement from the claims is that the customer information is input, extracted, and analyzed; there is no requirement that the customer perform any of these steps.

Drawings

7. The drawings are objected to because portions of the drawings are informal and drawn by hand. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the

examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. **Claims 13-15, and 17-20** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per **claims 13, 14, and 17-19**, the limitation "the reporting feature includes an audit report, a cash intake report, a receipt, a vacancy report, or facility utilization report" as recited is vague and indefinite. A feature is a property or behavior of a computer program. It is unclear how a reporting feature includes a report. Appropriate correction is required.

As per **claim 15**, the limitation "the reporting feature comprises data configured to be exported..." as recited is vague and indefinite. A feature is a property or behavior of a computer program. It is unclear how a feature comprises data. Appropriate correction is required

As per **claim 20**, the limitation "communication feature" as recited is vague and indefinite as per the discussion above of claim 13 with regard to a "reporting feature". Appropriate correction is required.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. **Claims 1, 6-8, 21, 22, 24, and 30** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hafen et al [US 2003/0023453].

As per **claims 1 and 30**, Hafen et al discloses an automated self-storage management system for enabling a user to conduct self-storage transactions [Abstract], the system comprising:

a business network of a plurality of self-storage facilities [0040-0042; Fig. 1; 0067], wherein the user is personnel of each self-storage facility and uses the business network to access inventory information and customer information of the plurality of self-storage facilities to generate reports for managing the operation of each self-storage facility [0063; 0064; 0068];

a server having a room inventory database and accessible to the user via a computer-terminal coupled to the server, wherein the user inputs the inventory information into the room inventory database via the computer-terminal and an inventory information capture and the user accesses the inventory information

pertaining to self-storage units located in the plurality of self-storage facilities of the business network [0067; 0093];

the server accessible to the user via the computer-terminal coupled to the server, wherein the user inputs the customer information into the server via the computer terminal and a customer information capture and the user access the customer information pertaining to customers of the plurality of self-storage facilities of the business network [0078; 0099]; and

the server having a reporting feature in communication with the inventory information capture and the customer information capture and accessible to the user via the computer-terminal coupled to the server, via the reporting feature, wherein the user extracts and analyzes the inventory information from the room inventory database pertaining to self-storage units located in the plurality of self storage facilities of the business network, via the reporting feature, wherein the user extracts and analyzes the customer information from the server, and via the reporting feature, wherein the user generates reports using the analysis of the inventory information and the customer information for managing the operation of the storage facility [0063; 0064; 0068; 0082; 0111].

Hafen et al does not explicitly disclose that the reports include reports for revenue, unit availability, reservations, open contracts, rent rolls and credit card information. However, the difference between reports and reports for revenue, unit availability, reservations, open contracts, rent rolls, and credit card information are only found in the non-functional data contained within the report. The reports contain

information which qualify as "descriptive material" since it is directed to the content of data, not structure, or an action or step. Further, the server generate the reports, however, the reports will be generated the same regardless of what data is contained within the report. Therefore, the system has not changed and as such the specific interpretation of the reports generated by the reporting feature does patentably distinguish the claimed invention, see *In re Ngai*, 70 USPQ2d 1862 (CAFC 2004); *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, it would also have been obvious to a person of ordinary skill in the art at the time of applicant's invention to provide any type of report in the system taught by Hafen et al because the subjective interpretation of the reports does not patentably distinguish the claimed invention.

As per **claim 6**, Hafen et al further discloses wherein the customer information capture includes an authorized access identifier [0099].

As per **claim 7**, Hafen et al does not explicitly disclose wherein the customer information capture includes an emergency contact identifier. However, Hafen et al discloses collecting contact information from a customer [0098; 0099]. Although, Hafen does not explicitly disclose that the contact information is for an emergency it is obvious that since the customer is the user of the storage facility, if something of an emergency nature were to occur, the contact information of that customer would be used to notify the customer. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Hafen et al to include wherein the

customer information capture includes an emergency contact identifier to facilitate retrieval of pertinent information.

As per **claim 8**, Hafen et al further discloses wherein the customer information capture includes a payment history [0098].

As per **claim 21**, Hafen et al further discloses comprising a letter generation feature [0104; 0105].

As per **claim 22**, Hafen et al further discloses wherein upon occurrence of a predetermined criteria, the system generates a customer letter [0104].

As per **claim 24**, Hafen et al further discloses wherein the letter pertains to a rate increase [0097].

12. **Claims 2, 9, 10, 16, 17, 20, and 31** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hafen et al [US 2003/0023453] in view of McCarty et al [US 5,946,660].

As per **claim 2**, Hafen et al discloses an automated self-storage management system for enabling a user to conduct self-storage transactions [Abstract], the system comprising:

a business network of a plurality of self-storage facilities [0040-0042; Fig. 1; 0067], wherein the user is personnel of each self-storage facility and uses the business network to access inventory information and customer information of the plurality of self-

storage facilities to generate reports for managing the operation of each self-storage facility [0063; 0064; 0068];

a server using having a room inventory database and accessible to the user via a computer-terminal coupled to the server, wherein the user inputs the inventory information into the room inventory database via the computer-terminal and an inventory information capture and the user accesses the inventory information pertaining to self-storage units located in the plurality of self-storage facilities of the business network [0063; 0064; 0068];

the server using a customer information capture in communication with the inventory information capture, accessible to the user via the computer-terminal coupled to the server, and having information pertaining to customers of the plurality of self-storage facilities of the business network [0063; 0064; 0068; 0082; 0111];

wherein one or both of the inventory information capture and customer information capture include information for managing the operation of the plurality of self-storage facilities [0063; 0064; 0068; 0082; 0111].

Hafen et al does not explicitly disclose wherein the information includes information on revenue, cash summaries, unit availability, facility utilization, reservations, open contracts, rent rolls and credit card information. However, the difference between information and information on revenue, cash summaries, unit availability, facility utilization, reservations, open contracts, rent rolls and credit card information are only found in the non-functional data contained within the information capture. The information capture contains information which qualify as "descriptive

material" since it is directed to the content of data, not structure, or an action or step. However, the information capture will operate the same regardless of what data is contained within the capture. Therefore, the system has not changed and as such the specific interpretation of the information captured by the information capture does patentably distinguish the claimed invention, see *In re Ngai*, 70 USPQ2d 1862 (CAFC 2004); *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, it would also have been obvious to a person of ordinary skill in the art at the time of applicant's invention to provide any type of information in the system taught by Hafen et al because the subjective interpretation of the information does not patentably distinguish the claimed invention.

Hafen et al does not disclose the server having a rental transaction feature in communication with the inventory information capture and customer information capture and accessible to the user via the computer-terminal coupled to the server, via the rental transaction feature, wherein the user creates a rental agreement using the inventory information and the customer information, and wherein the rental agreement involves a plurality of self-storage units. However, McCarty et al discloses a rental transaction feature in communication with the inventory information capture and customer information capture, wherein the rental transaction feature creates a rental agreement using information from the inventory information capture and the customer information capture, and wherein the rental agreement involves a plurality of self-storage units [col 6, lines 37-42; Col 5, lines 56-62; col 8, lines 11-27; Fig. 6]. It would

have been obvious to one of ordinary skill in the art to include in the storage rental system of Hafen et al the ability to access a rental agreement as taught by McCarty et al since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per **claim 9**, Hafen et al does not disclose wherein the customer information capture includes a credit card identifier. However, McCarty et al discloses wherein the customer information capture includes a credit card identifier [col 8, lines 8-11; col 5, lines 10-12]. It would have been obvious to one of ordinary skill in the art to include in the storage rental system of Hafen et al wherein the customer information capture includes a credit card identifier as taught by McCarty et al since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per **claim 10**, Hafen et al does not disclose wherein the plurality of storage units comprises a first storage unit and a second storage unit. However, McCarty et al discloses wherein the plurality of storage units comprises a first storage unit and a second storage unit [col 8, lines 1-3], an automatic payment feature applied to the first storage unit [col 8, lines 6-12] and an invoicing feature applied to the second storage unit [col 11, lines 15-28]. It would have been obvious to one of ordinary skill in the art to include in the storage rental system of Hafen et al wherein an automatic payment

feature is applied to the first storage unit and an invoicing feature is applied to the second storage unit as taught by McCarty et al since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per **claim 16**, Hafen et al does not disclose wherein the inventory information capture comprises a map. However, McCarty et al f discloses wherein the inventory information capture comprises a map [col 9, lines 55-56]. It would have been obvious to one of ordinary skill in the art to include in the storage rental system of Hafen et al wherein the inventory information capture comprises a map as taught by McCarty et al since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per **claim 17**, Hafen et al does not disclose wherein the reporting feature comprises a receipt for self-storage transactions. However, McCarty et al discloses wherein the reporting feature comprises a receipt for self-storage transactions [col 6, lines 37-42]. It would have been obvious to one of ordinary skill in the art to include in the storage rental system of Hafen et al wherein the reporting feature comprises a receipt for self-storage transactions as taught by McCarty et al since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of

ordinary skill in the art would have recognized that the results of the combination were predictable.

As per **claim 20**, Hafen et al further discloses comprising a communication feature configured to allow communication between users [Fig. 1].

As per **claim 31**, Hafen et al discloses an automated self-storage management system for enabling a user to conduct self-storage transactions [Abstract], the system comprising:

a business network of a plurality of self-storage facilities [0040-0042; Fig. 1; 0067], wherein the user is personnel of each self-storage facility and uses the business network to access inventory information and customer information of the plurality of self-storage facilities to generate reports for managing the operation of each self-storage facility [0063; 0064; 0068];

a server using an inventory information capture having a room inventory database and accessible to the user via a computer-terminal coupled to the server, wherein the room inventory database includes information pertaining to self-storage units located in the plurality of self-storage facilities of the business network [0067; 0093];

the server using a customer information capture in communication with the inventory information capture, accessible to the user via the computer-terminal coupled to the server, and having information pertaining to customers of the plurality of self-storage facilities of the business network [0078; 0099]; and

the server using a reporting feature in communication with the inventory information capture and the customer information capture and accessible to the user via the computer- terminal coupled to the server, wherein the reporting feature extracts and analyzes information from the room inventory database pertaining to self-storage units located in the plurality of self storage facilities of the business network and extracts and analyzes information from the customer information capture pertaining to customers and generates reports for managing the operation of the storage facility [0063; 0064; 0068; 0082; 0111].

Hafen et al does not explicitly disclose that the reports include reports for revenue, unit availability, reservations, open contracts, rent rolls and credit card information. However, the difference between reports and reports for revenue, unit availability, reservations, open contracts, rent rolls, and credit card information are only found in the non-functional data contained within the report. The reports contain information which qualify as "descriptive material" since it is directed to the content of data, not structure, or an action or step. Further, the server generate the reports, however, the reports will be generated the same regardless of what data is contained within the report. Therefore, the system has not changed and as such the specific interpretation of the reports generated by the reporting feature does patentably distinguish the claimed invention, see *In re Ngai*, 70 USPQ2d 1862 (CAFC 2004); *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, it would also have been obvious to a person of ordinary skill in the art at the time of applicant's invention to

provide any type of report in the system taught by Hafen et al because the subjective interpretation of the reports does not patentably distinguish the claimed invention.

Hafen et al does not disclose the server using a rental transaction feature in communication with the inventory information capture and customer information capture and accessible to the user via the computer-terminal coupled to the server, wherein the rental transaction feature creates a rental agreement using information from the inventory information capture and the customer information capture, and wherein the rental agreement involves a plurality of self-storage units. However, McCarty et al discloses a rental transaction feature in communication with the inventory information capture and customer information capture, wherein the rental transaction feature creates a rental agreement using information from the inventory information capture and the customer information capture, and wherein the rental agreement involves a plurality of self-storage units [col 6, lines 37-42; Col 5, lines 56-62; col 8, lines 11-27; Fig. 6]. It would have been obvious to one of ordinary skill in the art to include in the storage rental system of Hafen et al the ability to access a rental agreement as taught by McCarty et al since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

13. **Claim 11** is rejected under 35 U.S.C. 103(a) as being unpatentable over Hafen et al [US 2003/0023453] in view of McCarty et al [US 5,946,660] as applied to claim 2 above, and in further view of Vasquez et al [article entitled Housing Crunch...Leave Area] .

As per **claim 11**, Hafen et al does not disclose comprising a transfer feature that transfers a customer from an occupied self-storage unit to a vacant self-storage unit. However, Vasquez et al discloses transferring a customer from an occupied apartment (i.e., rental unit) to a vacant apartment [pg. 1, para. 3]. Vasquez shows that transferring from one rental unit to another was known in the prior art at the time of the invention. It would have been obvious to one of ordinary skill in the art at the time of the invention to have transferred a user from one rental unit to another by including a transfer means as in Vasquez in the system executing the method of Hafen et al. As in Vasquez, it is within the capabilities of one of ordinary skill in the art to install associated software for transferring to Hafen's personal computer with the predicted result of meeting the customer's satisfaction requirements as needed in Hafen et al.

14. **Claim 12** is rejected under 35 U.S.C. 103(a) as being unpatentable over Hafen et al [US 2003/0023453] in view of McCarty et al [US 5,946,660] and Vasquez et al [article entitled Housing Crunch...Leave Area] as applied to claim 11 above, and further in view of Official Notice and Inomata [US 6,999,825].

As per **claim 12**, Hafen et al does not disclose comprising a fee calculator that calculates a prorated rent for the occupied room and a prorated rent for the vacant

room. However, Inomata discloses a fee calculator for rental of a storage unit [col 13, lines 19-26]. Furthermore, the Examiner takes Official Notice that it is old and well known in the rental industry at the time of the invention to pay only for the time in which you occupy a room. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Hafen et al to include comprising a fee calculator that calculates a prorated rent for the occupied room and a prorated rent for the vacant room so that a user is not overcharged.

15. **Claim 13** is rejected under 35 U.S.C. 103(a) as being unpatentable over Hafen et al [US 2003/0023453] in view of Taylor [US 2002/0010601].

As per **claim 13**, Hafen et al does not disclose wherein the reporting feature includes an audit report. However, Taylor discloses a method of renting a unit wherein an audit report is generated [0043]. It would have been obvious to one of ordinary skill in the art to include in the storage rental system of Hafen et al the ability to generate an audit report as taught by Taylor since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

16. **Claims 14 and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hafen et al [US 2003/0023453] in view of Gale et al [US 2001/0025250].

As per **claim 14**, Hafen et al does not disclose wherein the reporting feature includes a cash intake report. However, Gale et al discloses a storage rental system that generates a cash intake report [0117; 0126]. It would have been obvious to one of ordinary skill in the art to include in the storage rental system of Hafen et al the ability to generate a cash intake report as taught by Gale et al since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per **claim 18**, Hafen et al does not disclose wherein the reporting feature comprises a vacancy report. However, Gale et al discloses a storage rental system that generates a vacancy report [0128]. It would have been obvious to one of ordinary skill in the art to include in the storage rental system of Hafen et al the ability to generate a vacancy report as taught by Gale et al since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

17. **Claim 15** is rejected under 35 U.S.C. 103(a) as being unpatentable over Hafen et al [US 2003/0023453] in view of Gross [US 6,721,716].

As per **claim 15**, Hafen et al does not disclose wherein the reporting feature comprises data configured to be exported to an external financial database. However, Gross discloses exporting financial data from rental transactions [col 22, lines 21-27]. It would have been obvious to one of ordinary skill in the art to include in the storage rental system of Hafen et al the ability to export data to an external financial database as taught by Gross since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

18. **Claim 19** is rejected under 35 U.S.C. 103(a) as being unpatentable over Hafen et al [US 2003/0023453] in view of Brady [US 2004/0088318].

As per **claim 19**, Hafen et al does not disclose a facility utilization report including facility revenue and occupancy information for evaluating the effect of a rental rate change on facility revenue. However, Brady discloses a unit rental system which generates a report including facility revenue and occupancy information [0108]. It would have been obvious to one of ordinary skill in the art to include in the storage rental system of Hafen et al the ability to export data to an external financial database as taught by Gross since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the

results of the combination were predictable. Further, the recited statement of intended use, for evaluating the effect of a rental rate change on facility revenue, does not patentably distinguish the claimed invention. A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham*, 2 USPQ2d 1647 (Bd Pat. App. & Inter. 1987).

19. **Claim 23** is rejected under 35 U.S.C. 103(a) as being unpatentable over Hafen et al [US 2003/0023453] as applied to claim 22 above, and further in view of Official Notice.

As per **claim 23**, Hafen et al does not disclose wherein the letter pertains to an overdue fee. However, Hafen et al et al discloses that a delinquent notice is sent according to a schedule [0104]. However, Hafen et al discloses that a delinquent notice is sent according to a schedule [0104]. Furthermore, the Examiner takes Official Notice that it is old and well known in the art at the time of the invention that a delinquency notice contains an overdue fee. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Hafen et al to include wherein the letter pertains to an overdue fee so that the user is aware of how much he/she is responsible for paying.

20. **Claim 25** is rejected under 35 U.S.C. 103(a) as being unpatentable over Hafen et al [US 2003/0023453] as applied to claim 22 above, and further in view of Petkovsek [US 2002/0111923].

As per **claim 25**, Hafen et al does not disclose wherein the letter pertains to an eviction. However, Petkovsek discloses generating a letter that pertains to an eviction from a rental unit [0047]. It would have been obvious to one of ordinary skill in the art to include in the storage rental system of Hafen et al the ability to generate a letter pertaining to an eviction as taught by Petkovsek since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHANNON S. SALIARD whose telephone number is (571)272-5587. The examiner can normally be reached on Monday - Friday, 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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